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VIA TELEFACSIMILE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines et al. Confirmation No.: 4714  
Serial No.: 09/547,220 Art Unit: 1647  
Filed: April 11, 2000 Examiner: DeBerry, Regina M.  
For: Modulation of Excitable Tissue Attorney Docket No.: 10165-006-999  
Function by Peripherally  
Administered Erythropoietin

SUBSTITUTE AMENDMENT UNDER 37 C.F.R. § 1.116

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated February 22, 2006, Applicants respectfully request that the following Substitute Amendment under 37 C.F.R. § 1.116 and remarks herein be considered and entered in to the record of the above-captioned application.

It is believed that there is no fee required for filing this response. However, in the event that a fee is required, please charge Jones Day Deposit Account No. 50-3013.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on June 1, 2006 to facsimile telephone number 571-273-8300.

  
Eileen E. Falvey46,097  
Reg. No.